

Council/Agency Meeting Held: _____	City Clerk's Signature _____
Deferred/Continued to: _____	
<input type="checkbox"/> Approved <input type="checkbox"/> Conditionally Approved <input type="checkbox"/> Denied	
Council Meeting Date: April 18, 2005	Department ID Number: PL05-06a

CITY OF HUNTINGTON BEACH REQUEST FOR CITY COUNCIL ACTION

SUBMITTED TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS

SUBMITTED BY: *Penelope Culbreth Graft*
PENELOPE CULBRETH-GRAFT, City Administrator

PREPARED BY: HOWARD ZELEFSKY, Director of Planning *Howard Zelefsky*

SUBJECT: APPROVE ZONING TEXT AMENDMENT NO. 03-02 (PERMIT
STREAMLINING PHASE II) *Ord. Nos. 3705-3713 inclusive*

2005 APR - 7
 CITY CLERK
 CITY OF
 HUNTINGTON BEACH, CA

Statement of Issue, Funding Source, Recommended Action, Alternative Action(s), Analysis, Environmental Status, Attachment(s)

Statement of Issue:

Zoning Text Amendment (ZTA) No. 03-02 (Permit Streamlining Phase II) consists of a number of amendments to the Huntington Beach Zoning and Subdivision Ordinance to streamline the entitlement process. In general, they include reducing the number of conditional use permits heard by the Planning Commission and the Zoning Administrator, and changing criteria that trigger the need for an entitlement. The majority of the changes affect conditional use permits.

The Planning Commission and City Council reviewed the amendments and conducted public hearings from March through October 2004. On November 15, 2004, the City Council adopted eight ordinances as part of the ZTA and continued the remaining ordinances as recommended by staff. The continuance was intended to enable the City Council to have a more complete review of the proposed changes recommended by the Planning Commission and staff in the remaining ordinances. This part of the ZTA is for the nine ordinances continued from the November 15, 2004 Council meeting. Public hearing notices were sent for this ZTA.

Funding Source: Not applicable.

Recommended Action:

"Approve Zoning Text Amendment No. 03-02 with findings for approval (Attachment No. 2) and adopt Ordinance Nos. 3705, 3706, 3707, 3708, 3709, 3710, 3711, 3712, + 3713 (Attachment No. 1)."

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Alternative Action(s):

The City Council may make the following alternative motion(s):

1. "Deny Zoning Text Amendment No. 03-02 with findings for denial"
2. "Continue Zoning Text Amendment No. 03-02 and direct staff accordingly"

Analysis:

A. PROJECT PROPOSAL:

Zoning Text Amendment No. 03-02 (Permit Streamlining Phase II) represents an amendment to the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) to streamline the City's entitlement process. Several ordinances of this ZTA were adopted by the City Council on November 15, 2004. This component of the ZTA re-introduces for first reading nine ordinances amending eight chapters of the Zoning and Subdivision Ordinance and several sections of the Downtown Specific Plan. It also codifies existing policies in addition to clarifying certain sections of the HBZSO.

B. BACKGROUND:

Zoning Text Amendment (ZTA) No. 03-02 was initiated by the City Council to further improve customer service based on the positive results from the City's first Entitlement Permit Streamlining Ordinance in 2001. On March 9, 2004, the Planning Commission held a public hearing and approved the ZTA with modifications and forwarded it to the City Council.

Following two City Council study sessions, the City Council held the first public hearing for the ZTA on September 20, 2004. Following discussion, straw votes were taken based upon the proposed list of amendments identified on a land use matrix included in the staff report. The land use matrix identified the primary conditional use permit changes within each chapter of the ZSO. The ZTA was continued to the October 4, 2004 meeting at which time Council approved the first reading of the proposed ordinance amendments.

The second reading of the ordinances for the ZTA was at the November 15, 2004 City Council meeting. Amendments to sixteen chapters of the HBZSO and the Downtown Specific Plan were proposed. Staff recommended the approval of eight of the ordinances for a second reading. The remaining eight chapters and the Downtown Specific Plan contained additional changes to the conditional use permit processes that were incorporated in the "Additional Provisions" criteria of the ZSO as opposed to the "Land Use Controls" table in the ZSO. These changes were identified in the Planning Commission staff report and legislative drafts but not included in the land use matrix reviewed by the City Council. Staff suggested that the remaining chapters be continued to allow the items to be re-noticed in accordance with the City's requirements and an expanded land use matrix of the proposed changes be presented.

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C. STAFF ANALYSIS AND RECOMMENDATION:

The ZTA included many entitlement streamlining items recommended by the Planning Commission and supported by staff. In general, they included reducing the number of conditional use permits heard by the Planning Commission and the Zoning Administrator, and changing criteria that trigger the need for an entitlement. The majority of the changes affected conditional use permits. In addition, the ZTA codified various existing policies in addition to clarifying certain sections of the HBZSO and the Downtown Specific Plan (DTSP).

Since eight of the seventeen ordinances have already been adopted, this request is to re-introduce for first reading the remaining nine ordinances which include the DTSP. These nine ordinances amend the following:

- Definitions, Chapter 203
- Residential Districts, Chapter 210
- Commercial Districts, Chapter 211
- Industrial Districts, Chapter 212
- Oil Production Overlay District, Chapter 220
- Site Standards, Chapter 230
- Signs, Chapter 233
- Conditional Use Permits, Variances, Temporary Use Permits, Chapter 241
- Downtown Specific Plan, Districts 1, 2, 3, 4, 5, 6, 7, 9, & 10

Land Uses and Additional Provisions Proposed for Reduced Processing Time

A matrix of the proposed conditional use permit uses, additional provisions, and text amendments is presented below. The proposed changes were selected because they were typically noncontroversial, current code criteria will continue to regulate the use, and the lower hearing body provides adequate review. The majority of the proposed changes affect mainly applications for conditional use permits.

The differences between this land use matrix and the one previously submitted as part of the September 20, 2004 report (Attachment No. 4) is that all the land uses not being changed have been eliminated, land uses approved or denied by the City Council during the October, 2004 hearings are identified, and it has been expanded to include all the changes (including "Additional Provisions") within the legislative drafts recommended for approval by the Planning Commission and supported by staff. Additionally, upon further review certain recommended amendments have been deleted. Numbered items with an asterisk were not approved by straw vote by the City Council in October 2004.

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PHASE II PERMIT STREAMLINING PROPOSED ORDINANCE AMENDMENTS				
No.	TYPE OF USE	CURRENT REVIEW	RECOMMENDED REVIEW	Council Action 2004
DEFINITIONS: CHAPTER 203				
1.	Infill Lot Development: Added	N/A	Clarifies Definition	Not Discussed
2	Neighborhood Notification: Added	N/A	Refers to Chapter 241	Not Discussed
3	Structure, Accessory: Added	N/A	Clarifies Definition	Not Discussed
4	Structure, Minor Accessory: Added	N/A	Clarifies Definition	Not Discussed
RESIDENTIAL DISTRICTS: CHAPTER 210				
5*	Day Care (Large Family Max 12)	ZA	P/NN	ZA
6 *	Day Care, General (RL Zone-L1) (RM, RMH, RH, RMP Zones)	ZA	P (RM, RMH/RH, RMP Zones)	ZA
7	Bed & Breakfast (only on lots >10,000sq.ft.)	PC	ZA	Not Discussed
8	Real Estate Sales (RL, RM, RMH/RH)	TU	P	Not Discussed
9	210.04 (E) RMP District Supplemental Standards. CUP from ZA required for addition of manufactured home space to existing mobilehome park.	ZA	P/NN	Not Discussed
10	210.06 Accessory Structures (Adds: See Section 230.08)	N/A	New text added for reference	Not Discussed
11	210.06 (O) Open Space Requirements: (e) Patio and balcony enclosures within existing planned developments or apartment complexes.	N/A	P (Policy Codified)	Not Discussed
12.	210.16-Review of Plans	N/A	Change to Planning Department	Not Discussed
COMMERCIAL DISTRICTS CHAPTER 211				
13*	Group Residential (CO, CG, CV Zones)	PC	ZA	PC
14	Cemetery	Not Permitted	Deleted	Not Discussed
15	Clubs and Lodges (CO, CG Zones)	ZA	P	Not Discussed
16	Primary Health Care (CO, CG Zones) (211.04 L-11 Additional Provision)	<2,500 P >2,500 ZA	<5,000 P >5,000 ZA	Approved

PC- Planning Commission reviews CUP

ZA-Zoning Administrator reviews CUP

TU-Temporary Use

NN- Neighborhood Notification

P- Permitted/Director Approval

N/A- Not applicable

Bold *: City Council discussion and/or straw vote to not change.

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No	TYPE OF USE	CURRENT REVIEW	RECOMMENDED REVIEW	Council Action 2004
17	Emergency Shelters & Emergency Kitchens (CG Zones) (L-2 Additional Provision)	<2,500 ZA >2,500 PC	<5,000 ZA >5,000 PC	Approved
18	Residential Care, General (CO, CG Zones)	PC	ZA	Approved
COMMERCIAL DISTRICTS CHAPTER 211 (cont.)				
19	Convalescent Facilities (CO, CG Zones)	PC	ZA	Approved
20 *	Day Care, General (CO, CG Zones): (211.04 L-3-New additional provision)	<2,500 ZA >2,500 PC	<5,000 ZA >5,000 PC	<2,500ZA >2,500PC
21	Emergency Health Care (CO, CG Zones): (211.04 L-2: Additional Provision).	<2,500 ZA >2,500 PC	<5,000 ZA >5,000 PC	Approved
22 *	Commercial Recreation and Entertainment (CG, CV Zones)	PC	ZA	PC
23	Eating and Drinking Establishment: w/Drive Through (CG, CV Zones)	ZA	P	Approved
24 *	Eating and Drinking Establishment: w/Dancing (CO, CG, CV Zones)	PC	ZA	PC
25	Eating and Drinking Establishment: W/outdoor dining more than 400 sq. ft.w/no alcohol sales. (Y)(X)	ZA	NN	Approved
26	Laboratories (CO, CG Zones) (211.04 L-1)	<2,500 P >2,500 ZA	<5,000 P >5,000 P/NN	Approved
27	Personal Enrichment Services (Yoga Studios, Karate Studio, etc.) (CO, CG Zones)(211.04 L-10)	<2,500P/NN >2,500 ZA	<5,000 P/NN >5,000 ZA	Approved
28	Research & Development Services (CO Zone) (211.04 L-1)	<2,500 P >2,500 ZA	<5,000 P >5,000 P/NN	Not Discussed
29	Automobile Rentals 211.04 L-8: Up to two rental cars.		Clarifies to include leasing	Not Discussed
30	Automobile Sales and Rentals: 211.04 L-12: Permitted for existing facilities proposing to expand up to 20% of floor area or display area.		Clarifies existing floor area	Not Discussed
31	Automobile Washing (L-7)	PC-Attended ZAUnattended	ZA	Not Discussed
32	Commercial Parking (CG, CV Zones)	PC	ZA	Approved
33	Vehicle Storage (CG Zone)	Not Permitted	ZA	Not Discussed
34 *	Service Stations (CG, CV Zones)	PC	ZA	PC
35	Bed & Breakfast Inns (CO, CG, CV Zones)	PC	ZA	Approved
36	Hotels, Motels (CG, CV Zone) (211.04 I)	PC	ZA	Approved
37	Real Estate Sales (CO, CG, CV Zones)	TU	P	Not Discussed
38	Tent Event (CG Zone)	TU	P	Not Discussed

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No	TYPE OF USE	CURRENT REVIEW	RECOMMENDED REVIEW	Council Action 2004
39	Trade Fairs (CG Zone)	TU	P	Not Discussed
40	211.04 (J) In the CV District developments require CUP based upon type of use.	PC	Clarifies PC or ZA	Not Discussed
41	211.04 (Y) Limited Notification requirements when no entitlement is required. Adds: Neighborhood Notification	N/A	Updated to reflect NN	Not Discussed
42	211.06 Development Standards: (O) Setbacks	N/A	Clarifies setback requirements along street frontages	Not Discussed
INDUSTRIAL DISTRICTS: CHAPTER 212				
43	Community & Human Service Facilities Emergency Shelters (IG, IL Zones) (L)	PC	ZA	Approved
44	Maintenance & Service Facilities (IG, IL Zones)	PC	ZA	Not Discussed
45*	Schools, Public or Private (IG, IL Zones) 212.04 L-6	PC	ZA	PC
46	Utilities, Minor (IG, IL Zones) 212.04 L-7	PC	ZA	Approved
47	Banks and Savings and Loans (IG, IL Zones) 212.04 L-1	PC	ZA	Not Discussed
48	Commercial Recreation & Entertainment 212.04 L-2	PC	ZA	Approved
49*	Eating & Drinking Establishments (IG, IL Zones) L-3	ZA	P	ZA
50	Offices, Business & Professional (IG, IL Zones) 212.04 L-1	PC	ZA	Approved
51	Personal Enrichment (IG, IL Zones) 212.04 L-9	<2,500 P >2,500 ZA	<5,000 P >5,000 NN	Approved
52	Personal Services (IG, IL Zones) 212.04 L-1	PC	ZA	Not Discussed
53	Quasi Residential (Text addition) Single Room Occupancy only (212.04 K)	PC	PC-Clarifies type of use	Not Discussed
54	Visitor Accommodations (IG, IL Zones)	PC	ZA	Not Discussed
55 *	Service Stations (IG, IL Zones) 212.04 L-4	PC	ZA	PC
56	Real Estate Sales (IG, IL Zones)	TU	P	Not Discussed
57	Trade Fairs (IG, IL Zones)	TU	P	Not Discussed
58	212.04 (U) Limited Notification	LN	NN-Clarification	Not Discussed

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OIL PRODUCTION OVERLAY DISTRICT CHAPTER 220				
59	220.24 Criteria for Waiver or Reduction of Dedication Requirements.	PC	Planning Director	Approved
SITE STANDARDS CHAPTER 230				
60	230.08 Accessory Structures (text addition) addressing swimming pools and mechanical equipment.	N/A	Codify Policy	Not Discussed
61	230.10 Accessory Dwelling Units: pursuant to State Law. (A. Permit Required)	ZA	P/NN	Not Discussed
62	230.10 Accessory Dwelling Units: D Covenant	Record Conditions	Record Ownership Covenant	Not Discussed
63	230.10 Accessory Dwelling Units: E Parkland Dedication In-lieu Fee	25%	Pursuant to Sec. 230.20	Not Discussed
64	230.12 Home Occupation Permit C. Required conditions. 8. Cup by ZA: instruction or service is music lessons, beauty shop, or swimming lessons. Limited to 4 students and 2 vehicles used to transport students.	ZA	P/NN	Approved
65	230.14 E.3 Affordability Agreement: Approval		Clarifies City Council approval	Not Discussed
66	230.22 Residential Infill Lot Developments- A. Privacy Design Standards. (Adds accessory dwelling units)	Res. additions	Adds "Accessory Units"	Not Discussed
67	230.36 Transportation Demand Management-C Applicability (3b) –Temporary Use Classifications less than 30 days.	PC/ZA	ZA/Director	Approved
68	230.38 Game Centers (CG, CV Zones) per certain conditions.	ZA	Director/NN	Approved
69	230.42 Bed & Breakfast Inns: Identical to Commercial District. (RMH-A, CO, CG, CV)	PC	ZA	Not Discussed
70	230.88 Fencing and Yards: A. Permitted Fences and Walls, 2.b. Exceptions(text addition)		Added by City Council	Approved
71	230.88 Fencing and Yards: A. Permitted Fences and Walls; 6. (text relocated)		Text relocated for clarity	Approved
72*	230.88 Fencing and Yards: 11. Deviations from maximum height of walls/fences.	ZA	P/NN	ZA
73	230.88 Fencing and Yards: B-Required Walls (2) Industrial screening walls abutting arterial highways.	ZA	Planning Director	Approved
74	230.92 Landfill Disposal Sites (D & D.3)	N/A	Revise text for "Toxic Substances Control"	Not Discussed
75	230.94 Carts and Kiosks: F. Limited Notification	N/A	NN-Updates requirement	Not Discussed
SIGNS CHAPTER 233				
76	233.04 Permits Required: C-Sign Code Exception: Director approval, DRB.	<10% Director >10%DRB	<20% Director >20% DRB/NN	Not Discussed

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77	233.04 Permits Required: E. Design Review Board: Deletes language (areas 500 ft from PS zone).	PS zone-DRB	Deletes DRB requirement	Not Discussed
78	233.12 Electronic Readerboards: PC and Design Review Board approval	DRB/PC	DRB/ZA	Approved
79	233.14 Readerboard Signs-Multiple Users: Offsite electronic readerboard permitted with CUP to PC.	PC	ZA	Approved
CONDITIONAL USE PERMITS, VARIANCES, TEMPORARY USE PERMITS, CHAPTER 241				
80	241.02 Procedures Established: E. Adds Neighborhood Notification language.	Adjacent Property owners notified	300 foot radius notification	Approved
81	241.04 Authority of Planning Commission and ZA-Variances: ZA on variances not exceeding 10% deviation.	ZA <10% PC >10%	ZA <20% PC >20%	Not Discussed
82	241.20 Temporary Use Permits (TUP): B-Director shall act on TUP use held for three or fewer days.	Director <3days	Director <4days	Approved
83	241.20 Temporary Use Permits (TUP): C. ZA shall act on TUP held for more than three days.	ZA >3days	ZA >4days	Approved
84	241.24 Neighborhood Notification: new section added requiring 300 ft. radius.		NN/Text Added	Approved
DOWNTOWN SPECIFIC PLAN				
4.2 General Provisions				
85	Language change throughout document: change Huntington Beach Ordinance Code to Huntington Beach Zoning and Subdivision Ordinance; and Community Development to current Director of Planning	HBOC	HBZSO	Not Discussed
86	4.1.01 Approval required: Adds Director and ZA where applicable.	Not referenced	Provided reference	Not Discussed
87	4.2 Language change relating to HBZSO: Huntington Beach Ordinance Code now adds: Huntington Beach Zoning and Subdivision Ordinance Code.	HBOC	HBZSO is proposed for reference	Not Discussed
88	4.2.01 Permitted Uses: (d) PC approves non-conforming modifications to non-conforming uses and structures.	PC	ZA	Not Discussed
89	4.2.29. iv Outdoor Dining: Outdoor dining on public or private property may be permitted subject to CUP by ZA.	ZA	P/NN-no alcohol ZA-w/alcohol	Not Discussed
District 1 Visitor Serving Commercial				
90*	Liquor Stores (4.3.01 c.)	PC	ZA	PC
91	Dry Cleaners (4.3.01 b.)	PC	ZA	Approved

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92	Restaurants (4.3.01 b.)	PC	ZA	Approved
District 2 Residential				
93	4.4.01 Permitted Uses: (b) New construction of multiple family housing are subject to CUP from ZA.	PC	ZA	Not Discussed
94	4.4.03 Maximum Density/Intensity: Adds maximum floor area ratio (FAR) pursuant to Chapter 210 Residential Districts HBZSO.	N/A	Clarifies Development Standards	Not Discussed
District 3 Visitor Serving Commercial				
95*	Liquor Stores	PC	ZA	PC
96	Restaurants (4.5.01 b)	PC	ZA	Approved
97	Retail Sales, Outdoors (4.5.01 b)	PC	ZA	Approved
98	Theaters (4.5.01 b)	PC	ZA	Approved
99	Permitted Uses (4.5.01 d): all uses and new construction shall comply with these development requirements.	N/A	Clarifies development standards	Not Discussed
District 4 Mixed Use: Office Residential				
100	Permitted Uses (4.6.01 a) Carts and Kiosks pursuant to 230.94 of Huntington Beach Municipal Code.	Municipal Code Reference	HBZSO 230.94	Not Discussed
101	Permitted Uses (4.6.01 b) Residential Use: apartments, condominiums, and stock cooperatives.	PC	ZA	Not Discussed
102	Permitted Uses (4.6.01 b) Mixed Use: Mixed Residential/Office Use	PC	ZA	Not Discussed
103	Maximum Density/Intensity (4.6.03) FAR at 1.5 per net acreage.	FAR Com. Dev.	1.5 Com. Dev. 1.0 Res. Dev.	Not Discussed
District 5 Mixed Use Commercial/Office/Residential				
104	Permitted Uses subject to approval of CUP (4.7.01 b).- Restaurants	PC	ZA	Approved
105*	Liquor Stores (4.7.01 b)	PC	ZA	PC
106	Permitted Uses subject to approval of CUP (4.7.01 c).	PC	PC	Approved
107	Permitted Uses: (4.7.01 d) (new) all uses and new construction (MFR/SF) shall comply with these development requirements.	N/A	Clarifies development standards	Not Discussed
108	Carts & Kiosks: refers to Huntington Beach Municipal Code instead of Huntington Beach Zoning and Subdivision Ordinance.	HBMC	HBZSO	Not Discussed
District 6 Mixed Use Commercial/Office/Residential				
109	Restaurants (4.8.01 b)	PC	ZA	Not Discussed
110*	Liquor Stores (4.8.01. c)	PC	ZA	PC

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111	Permitted Uses: (4.8.01 d) (new) all uses and new construction shall comply with these development requirements.	PC	ZA/PC	Not Discussed
112	Permitted uses or change in use subject to CUP and pursuant to 4.8.01 d.)	PC	PC	Not Discussed
113	Permitted Uses (4.8.01 d) Mixed Use development.		Text Clarification Codified Policy	Not Discussed
District 7 Visitor-Serving Commercial (Pacific City) (4.9.01 b & c)				
114	Automobile service station	PC	ZA	Approved
115	Dancing and/or live entertainment	PC	ZA	Approved
116	Health and sports club	PC	ZA	Approved
117	Liquor stores	PC	ZA	Approved
118	Restaurants	PC	ZA	Approved
119	Taverns	PC	ZA	Approved
120	Theaters	PC	ZA	Approved
District 9 Commercial Recreation (Waterfront) (4.11.01 b & c)				
121	Dancing and/or live entertainment	PC	ZA	Approved
122	Recreational facilities	PC	ZA	Approved
123	Restaurants	PC	ZA	Approved
District 10 Pier Related Commercial				
124 *	Commercial use or public recreation facilities (beach-related)	PC	ZA	PC
125	Museums	PC	ZA	Approved
126	Restaurants (including fast food with take out windows)	PC	ZA	Approved

PC- Planning Commission

ZA-Zoning Administrator

Bold *: City Council discussion and/or straw vote to not change.

NN- Neighborhood Notification

P- Permitted/Director Approval

N/A- Not applicable

Summary of Changes

The following subsections provide an overview of the changes that are proposed within the matrix of this report.

Definitions Chapter 203

Four definitions are added: Infill Lot Development, Neighborhood Notification, Accessory Structures and Minor Accessory Structures because this will provide a definition for an existing code requirement, define a notification process, and codify existing policy, notifications, and development standards.

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Residential Districts Chapter 210

Day Care Large Family and Day Care General are two of the conditionally permitted uses initially proposed for amendment that received straw votes by City Council to have them remain unchanged. The remaining use amendments in this chapter will denote real estate offices and model homes as a permitted use when in conjunction with residential development and the addition of manufactured home spaces to existing parks subject to NN. Other changes in this section incorporate new text for reference of accessory structures, codification of a policy permitting the enclosures of open space within planned developments and language clarification regarding the review of plans by the Planning Department.

Commercial Districts Chapter 211

The commercial chapter provides the most extensive list of uses found in the HBZSO. Uses typically permitted in this chapter are subject to additional development provisions. These additional provisions were not discussed at the City Council meeting because discussion was based only on the provided conditional use permit matrix. However, certain conditional use permit amendments also impact other uses as listed within the use matrix of this report. This matrix provides a more comprehensive list of the proposed amendments. City Council's straw votes are reflected in the matrix as well.

Uses that will not be heard by the lower hearing body as directed by City Council are eating and drinking establishments with dancing, and service stations. Both uses will remain subject to the review and approval by the Planning Commission. City Council approved an increase in square footage for certain uses such as personal enrichment, i.e. yoga and fitness studios, etc. The conditional use permits approved by City Council that will now be a permitted use subject to development standards include Eating and Drinking Establishments with drive-through and outdoor dining. The uses not discussed that are proposed as permitted or subject to Neighborhood Notification (NN) are Real Estate offices when in conjunction with a commercial development, Tent Event, and Trade Fairs. Additional uses that were not discussed include Research & Development Services, Automobile Sales and Rentals, Automobile Storage, Real Estate Sales, Tent Events, Trade Fairs, development criteria in the CV Zone under additional provision (J) of the ZSO, and the inclusion of NN for certain uses.

Industrial Districts Chapter 212

The uses not approved for change include schools; both public and private, eating and drinking establishments and service stations. The uses approved are Utilities-Minor, Commercial Recreation & Entertainment, Offices, Business & Professional and an increase in allowable square footage for Personal Enrichment uses from 2,500 to 5,000 square feet. Uses not discussed for change by the City Council include Real Estate offices and, Trade Fairs.

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Oil Production Overlay District Chapter 220

The proposed amendment to this chapter is in Section 220.24 Criteria for Waiver or Reduction of Dedication Requirements. The amendment suggests replacing the word waiver with modification and again receiving approval at the Director level on upon consent of the Fire Chief and the Director of Public Works subject to conditions of approval established in the ZSO.

Site Standards Chapter 230

The Site Standards Chapter lists various amendments either incorporating existing policies, State Law or suggested City Council amendments. The approved amendments in the chapter include Home Occupation Permit, Transportation Demand Management under temporary uses, Game Centers per certain criteria, clarification of text for fencing, Fencing and Yards the addition of language regulating Exceptions, and Industrial screening walls abutting arterial highways.

Not discussed by the City Council is the amendment to Accessory Dwelling Units pursuant to State Law, Residential Infill standards, which includes accessory dwelling units, Bed & Breakfast Inns, Landfill Disposal Sites language change and Carts and Kiosks update.

Signs Chapter 233

The City Council approved review of Readerboard Signs by the lower hearing body. Not discussed was Section 233.04 C. Sign Code Exception. Currently, the Director may approve a sign code exception of not more than 10% in sign height or sign area while the Design Review Board (DRB) can approve exceptions more than 10% subject to making the mandatory findings and notification. The proposed amendment is to increase the Director review for sign modifications under 20% and the DRB for those signs over 20%. The intent of the sign code exception is to allow relief from the strict application of Section 233.06 Permitted Signs based on certain findings. Requests for a sign code exception will require a 300-foot radius notification however, this request is typically not considered controversial.

The second amendment not discussed at the City Council level is for sign requests within 500-feet from a Public Semi-Public Zone. Such requests are subject to Design Review Board approval. Due to the limited number of such requests staff has proposed to delete this language from Section 233.04 of the Zoning and Subdivision Ordinance.

Conditional Use Permits, Variances, Temporary Use Permits Chapter 241

The Neighborhood Notification process, currently called Limited Notification, notifies adjacent property owners and tenants, including those across the street, for the following items: a Sign Code Exception with less than 10 percent deviation, Outdoor Dining under 400 square feet (excludes alcohol), Day Care Large Family, Eating and Drinking Establishment, Personal Enrichment in a lease space less than 2,500 square feet, or Carts & Kiosks on

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private commercial property (excluding Downtown). The proposed amendment by the Planning Commission was to increase the radius notification from the current adjacent property/tenant notification to a 150-foot radius as measured from the exterior boundaries of the property. At the October 4, 2004 City Council meeting, Council's straw vote recommended that the Neighborhood Notification process will require a 300 foot notification and that the Conditional Use Permit process will require a 500 foot notification radius. Also, not discussed in this chapter was that temporary uses such as retail sales would be increased from three days to four days. Again, these amendments are to items not considered controversial and regulated by existing provisions within the HBZSO. The attached ordinances reflect City Council's straw votes.

Downtown Specific Plan SP 5

Phase I of the Permit Streamlining Ordinance amended sections of Districts 2, 4, & 6 "Single Family Residential Development," to allow approval of single family homes through the plan check process and in most cases, require notification under the Infill Ordinance. The Phase II amendments separate and clarify the various levels of review for all districts. These recommended amendments would save processing time and reduce the application costs.

At the October 4, 2005 City Council meeting Council reviewed the initial proposal recommended for approval by both the Planning Commission and City staff. City Council generated discussion and straw votes, which amended various sections of the specific plan. The use that will continue to be heard at the Planning Commission level is liquor stores in Districts 1, 3, 5, and 6.

District Nos. 2, 4 and 6 of the Downtown Specific Plan, although proposed for amendment within the legislative drafts submitted to City Council were not reflected in the previous Downtown matrix. These amendments are included in the matrix within this report for City Council review. The amendments proposed in District 2 Residential, incorporate an existing department policy clarifying the development standards in this district.

District 4, Mixed-Use; Office and Residential would reduce the review and approval process for new construction or a change in use from Planning Commission to the Zoning Administrator. Because development in this area would be the recycling of properties and office, commercial and residential uses are permitted by code at the Director level, staff believes it would be appropriate for the next higher hearing body to review new mixed-use development proposals. The area flanks the Downtown core area, separating the area along Main Street from the outlying areas, which are primarily residential. The purpose of this District is to provide a transition zone between the existing residential areas to the commercial Main Street corridor. Therefore, mixes of office and residential uses are permitted.

District 6 Mixed Use Commercial/Office/Residential proposes to allow restaurants, which are currently reviewed from the Planning Commission level to be approved at the Zoning

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Administrator level. Restaurants reviewed at the ZA have been approved by City Council in Districts 3, 5, 7, 9, and 10 of the Specific Plan.

The uses that were approved to be heard at the ZA level in District 7 (Pacific City Site) permitted Automobile Service Station, Dancing/Live Entertainment, Health and Sports Club, Liquor Stores, Taverns, Theaters. District 9 (Waterfront Site) will permit Dancing/Live Entertainment, Recreational Facilities and Restaurants and in District 10 (Pier Related) Museums and Restaurants.

SUMMARY:

Zoning Text Amendment No. 03-02 modifies the Huntington Beach Zoning and Subdivision Ordinance, including the Downtown Specific Plan, for the purpose of improving customer service by streamlining the entitlement process. The recommended text amendments provide relief to the business community and residents while ensuring that issues of neighborhood compatibility, aesthetics, etc. still receive adequate consideration.

Staff recommends that Zoning Text Amendment No. 03-02 be approved for the following reasons:

- Decreases processing time for applicants
- Reduces application costs for the business community and residents
- Provides improved customer service
- Encourages new businesses to locate in Huntington Beach
- Continues to provide for quality development

Environmental Status:

The proposed project is categorically exempt pursuant to Class 20, City Council Resolution No. 4501, which supplements the California Environmental Quality Act.

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Attachment(s):

City Clerk's Page Number	No.	Description
16	1.	Ordinance Nos. <u>3705, 3706, 3707, 3708, 3709, 3710,</u> <u>3711, 3712, + 3713</u> (Recommendation) including legislative drafts.
297	2.	Findings for Approval (PC and Staff Recommendation)
299	3.	Planning Commission Staff Report dated March 9, 2004
312	4.	City Council Staff Report dated September 20, 2004
327	5.	Former Ordinance Numbers as Reference
329	6.	Power Point Slide Presentation

RCA Author: Scott Hess/Rosemary Medel

Attachments are on file in
the City Clerk's Office.

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